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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,005	03/26/2004	Jerry Shih	2003.10.023.WS0	9020

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EXAMINER	
MOUTAOUAKIL, MOUNIR	
ART UNIT	PAPER NUMBER
2476	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/811,005	SHIH, JERRY	
	Examiner	Art Unit	
	MOUNIR MOUTAOUAKIL	2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The request for continued examination filed on 06-21-2010 has been received and considered.

Claims 1-20 are pending in this application.

Claims 1-20 remain rejected as discussed bellow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7-10, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Longoni (US 6,968,192).

Regarding claim 1, Longoni discloses a method for use in a wireless network comprising a plurality of wireless communication devices (fig.2, MS. The disclosed invention is directed to wireless networks to provide service to mobile users), an interrogating state machine comprising a server status store operable to store current server status information for each of plurality of servers (Fig.2, col.5, lines 14-16 each RNC includes multiple base stations, servers. Col.6, lines 1-8, RNC 3-2 receives load status of 13 and col6, lines 28-31, RNC 3-2 receives status of the base stations associated with it) , the current server status information for each server comprising current load information for the server (col.6, lines 1-8. RNC 3-2 receives base stations

load information) and capability information for each server (see col.5, lines 48-59. The RNC stores base stations capabilities. Also see col.4, lines 65-66); and a server assigner operable to collect server status information from the servers (fig.2, element 21 and col.5, lines 48-59), provide triggers to the servers (see col.5, lines 23-25, RNC3-2 sends requests to RNC 3-1) and to store the servers status information on the server status store as current server status information and to assign one of the servers to host one of the wireless communication devices based on the current server status information (see col.2, lines 57-60, col.6, lines 38-44. the RNC 3-2 assigns the appropriate cell, server, based on the load information), wherein the triggers provided to the servers comprise information related to instructions on under what time independent condition to provide the interrogating state machine with updated server status (see col.5, lines 29-32. the requests specifies when to transmit the updates and also see lines 33-35, the updates can be transmitted when a specific threshold is reached which is not time dependent).

Regarding claim 2, Longoni discloses that the current server status information stored in the server status store collectively forming a system status (col.6, lines 19-24), the server assigner operable to assign one of the servers to host one of the wireless communication devices based on the current system status (col.6, lines 38-44. the RNC 3-2 assigns the appropriate cell, server, based on the load information).

Regarding claim 3, Longoni discloses that the server assigner further operable to receive a registration request from the one of the wireless communication devices (it is inherent that wireless devices initiate communication with the base station) and to

assign one of the servers to host the wireless communication device based on receiving the registration request (col.6, lines 38-44. the RNC 3-2 assigns the appropriate cell, server, based on the load information).

Regarding claims 7, 9, and 14, Longoni discloses that the server assigner comprising: a status collector operable to collect the server status information from the servers and to store the server status information in the server status store as current server status information (Fig.2, col.5, lines 14-16 each RNC includes multiple base stations, servers. Col.6, lines 1-8, RNC 3-2 receives load status of 13 and col6, lines 28-31, RNC 3-2 receives status of the base stations associated with it); and a server selector operable to access the server status store based on receiving a registration request from the one of the wireless communication devices and to select one of the servers based on the server status information in the server status store, the server assigner operable to assign the server selected by the server selector to host the wireless communication device (col.6, lines 38-44. the RNC 3-2 assigns the appropriate cell, server, based on the load information).

Regarding claim 8. Longoni discloses a wireless network (Fig.2), comprising: a plurality of servers (Fig 1, element 4, and Fig.2, base stations within 13 and 23, Wherein each base station is considered as a server), each server having a varying server status ((see col.5, lines 48-55, each BS has a load status), the server status for each server comprising load information for the server (col.5, lines 48-55) and capability information for each server (see col.5, lines 48-59. The RNC stores base stations capabilities. Also see col.4, lines 65-66), the server statuses of the servers collectively forming a varying

system status (Col.6, lines 25-27); and at least one interrogating state machine operable to receive a registration request from one of a plurality of wireless communication devices and (it is inherent that a mobile device has to send a registration request to establish service), based on the registration request, to assign one of the servers to host the wireless communication device based on a current system status (see col.2, lines 57-60), the current system status based on the varying system status (col.6, lines 38-44. the RNC 3-2 assigns the appropriate cell, server, based on the load information), wherein the current system status is dynamically updated by information received by at least one of the plurality servers, wherein the at least one of the plurality of servers provides the information to the at least one interrogating state machine based upon at least one trigger provided to the plurality of servers by the at least one interrogating state machine (see col.5, lines 24-32), wherein the trigger defines under what time independent conditions the plurality servers provides information to the at least one interrogating state machine (see col.5, lines 29-35).

Regarding claim 10. Longoni discloses a wireless network (Fig.2). The server assigner further operable to receive the registration request from the wireless communication device (it is inherent that each wireless device has to register in order to be granted a service).

Regarding claim 16. Longoni discloses a method for assigning one of a plurality of servers to host a registration for a wireless communication device. The method comprises receiving a registration request from the wireless communication device (it is

inherent that each wireless device has to register in order to be granted a service); and assigning one of the servers to host the wireless communication device based on current server status for each of the servers (Fig.2, col.5, lines 14-16 each RNC includes multiple base stations, servers. Col.6, lines 1-8, RNC 3-2 receives load status of 13 and col6, lines 28-31, RNC 3-2 receives status of the base stations associated with it), the server status for each server comprising load information for the server (col.6, lines 38-44. the RNC 3-2 assigns the appropriate cell, server, based on the load information) and capability information for each server (see col.5, lines 48-59. The RNC stores base stations capabilities. Also see col.4, lines 65-66), wherein the assignment of one of the plurality of servers is performed using an interrogatory machine (see col.2, lines 57-60), wherein the current system status is dynamically updated by information received by at least one of the plurality servers, wherein the at least one of the plurality of servers provides the information to the at least one interrogating state machine based upon time independent conditions defined by at least one trigger provided to the plurality of servers by the at least one interrogating state machine (see col.5, lines 24-35).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Longoni.

Regarding claim 15. Longoni discloses a wireless network wherein interrogating state machine operable to receive a registration request from one of the wireless communication devices (Fig(it is inherent that each wireless device has to register in order to be granted a service), and based on the registration request, to assign one of the servers to host the wireless communication device based on the current system status (col.6, lines 38-44. the RNC 3-2 assigns the appropriate cell, server, based on the load information).

Longoni does not explicitly disclose that the system comprises a plurality of interrogating state machines. It is generally considered to within the ordinary skill in the art to adjust, vary, select, or optimize the numerical parameters or values of any system absent a showing of criticality in a particular recited value. The Burden of showing the criticality is on applicant. In re Mason, 87 F.2d 370, USPQ 242 (CCPA 1937); Marconi Wireless Telegraph Co. V. U.S., 320 US 1, 57 USPQ 471 (1943); In re Schneider, 148 F.2d 108, 65 USPQ 129 (CCPA 1945); In re Aller, 220 F.2d 454, 105 USPQ 233 (CCPA 1055); In re Saether, 492 F.2d 849, USPQ 36 (CCPA 1974); In re Antonie, 559 F.2d 618, 195 USPQ 6(CCPA 1977); In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Since the number of interrogating state machines is not critical to the system, it would have been obvious to vary the number of interrogating state machines per system to be any number, including one state machine.

6. Claims 5, 6, 12, 13, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longoni in view of Jayaraman et al (US 2003/02106694). Hereafter referred to as Jayaraman.

Regarding claims 5, 12. Longoni discloses all the limitation of the parent claim.

Longoni does not disclose that the table comprises a server column operable to identify the servers and a first server status information column operable to provide first server status information for the corresponding server identified in the server column. However, Jayaraman discloses a method of storing the status information of each server within a table (see figure 9). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the system status table, as taught by Jayaraman, into the wireless network of Longoni for the purpose of organizing the statuses retrieved from the servers.

Regarding claims 6, 13. Longoni discloses all the limitation of the parent claim.

Longoni does not disclose that the table further comprising a second server status information column operable to provide second server status information for the corresponding server identified in the server column, the first server status information comprises load information and the second server status information comprises capability information. However, Jayaraman discloses a system where the status collector comprises multiple tables for different information regarding each server in the network (figures 9, 10, 11). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the information tables, as taught by Jayaraman, into the wireless network of Longoni for the purpose of organizing the statuses retrieved from the servers.

Regarding claim 17. Longoni discloses a wireless network where the network receives and stores statuses received from the plurality of servers, as discussed above.

Longoni does not disclose requesting a server status from each of the servers and receiving server statuses from at least a portion of the servers. However, Jayaraman discloses a method where the server requests and retrieves servers' statuses (see paragraph 0098). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the method of retrieving server statuses from the servers in communication with clients, as taught by Jayaraman, into the wireless network of Longoni for the purpose of enhancing the network and increasing network efficiency.

Regarding claim 18. Longoni discloses a wireless network that further comprises accessing the stored server statuses based on receiving the registration request; selecting one of the servers based on the stored server statuses; and assigning one of the servers to host the wireless communication device comprising assigning the selected server to host the wireless communication device, as discussed above.

Regarding claim 19. Longoni discloses all the limitations of the parent claim. Longoni does not explicitly disclose receiving updated server statuses from at least a portion of the servers; and storing the updated server statuses in place of the previously stored server statuses. However, Jayaraman discloses a method of retrieving different types of information from multiple servers and storing them on the regular basis in information tables (see paragraph 0098, fig 9, 10, 11). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement

the method of retrieving different types of information from multiple servers and storing them on the regular basis in information tables, as taught by Jayaraman, into the wireless network of Longoni for the purpose of enhancing the network and increasing network efficiency.

Regarding claim 20. Longoni discloses a wireless network that further comprises requesting updated server statuses from at least a portion of the servers (see col.5, lines 29-33).

7. Claims 4 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Longoni in view of the admitted prior art, APA, of Shih.

Regarding claims 4 and 11. Longoni discloses all the limitations of the claimed invention with the exception that the servers comprise a serving call state control function (S-CSCF), the S-CSCF operable to enable provision of internet protocol multimedia domain (IPMMD) services for the wireless communication devices that the S-CSCF is assigned to host. However, the Background of Shih teaches that every server comprises a S-CSCF capable of providing IPMMD services for the wireless devices (paragraphs [0002]-[0004]). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to employ the S-CSCF to provide IPPMMD services to the wireless devices, as taught by the APA, into the wireless network of Longoni for the purpose of converging IP and telecom services.

Response to Arguments

8. Applicant's arguments filed 11-04-2009 have been fully considered but they are not persuasive.

9. Applicant's representative argues that the prior art of record fails to teach "wherein the triggers provided to the servers comprise information related to instructions on under what time independent conditions to provide the interrogation state machine with updated server status information".

10. Examiner respectfully disagrees. The prior art of record, Longoni, teaches all the limitations as disclosed above. Longoni teaches that the RNC may receive load information when a critical threshold is reached.

Claims are given their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004). Additionally, Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation'." 710 F.2d at 802, 218 USPQ at 292 (quoting In re Okuzawa, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976)). Moreover, claims are interpreted in light of the specification does not mean that everything in the specification must be read into the claims." Raytheon Co. v. Roper Corp., 724 F.2d 951, 957, 220 USPQ 592, 597 (Fed. Cir. 1983), cert. denied, 469 U.S. 835 (1984).

Conclusion

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

When responding to this office action, applicants are advised to clearly point out the patentable novelty which they think the claims present in view of the state of the art disclosed by the references cited or the objections made. Applicants must also show how the amendments avoid such references or objections. See 37C.F.R 1.111(c). In addition, applicants are advised to provide the examiner with the line numbers and pages numbers in the application and/or references cited to assist examiner in locating the appropriate paragraphs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOUNIR MOUTAOUAKIL whose telephone number is

(571)270-1416. The examiner can normally be reached on Monday-Thursday (1pm-4:30pm) eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Salman Ahmed/
Primary Examiner, Art Unit 2476

/M. M./
Examiner, Art Unit 2476